IN RE: PETITION FOR ZONING VARIANCE NW/S of Sherwood Avenue, 350' DEPUTY ZONING COMMISSIONER SW of the c/l of Ivanhoe Road (Lots 356 & 357 Sherwood Ave.) * OF BALTIMORE COUNTY 3rd Election District 2nd Councilmanic District * Case No. 90-153-A Donald Gorman, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 27 feet in lieu of the minimum required 30 feet for a proposed garage in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants.

* * * * * * * * * *

Testimony indicated that the subject property, known as Lots 356 and 357 Sherwood Avenue, consists of 9,520 sq.ft. total and is located within the subdivision known as Ralston Annex. Mr. & Mrs. Gorman testified they acquired the property approximately two years ago and have commenced construction of a single family dwelling. Petitioners are desirous of adding a garage to the rear of the subject dwelling; however, due to the size of the lot and the location of the dwelling, which meets all setback requirements, the proposed garage addition will be three feet under the required minimum setback for the rear property line. Petitioners testified the proposed garage location is competible with other garages in the neighborhood, some of which are much closer to the rear property line than the one proposed here and which were constructed prior to the effective date of the zoning regulations. Testimony indicated that the granting of the variance will not result in any detriment to the health, safety or general welfare of the surrounding community.

Based upon the testimony and evidence presented at the hearing,

all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petit oner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this ______day of November, 1989 that the Petition for Zoning Variance to permit a rear yard setback of 27 feet in lieu of the minimum required 30 feet for a proposed garage in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to re rn, and be responsible for returning, said property to its original condition.

> 2) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of

> > - 2-

1 M Nos faravia ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

Baltimore County Zoning Commissione Office of Planning & Zoning Towson, Maryland 21204 (201) 287-3353 J. Robert Haines

Mr. & Mrs. Donald Gorman 4100 Colonial Road Baltimore, Maryland 21208

RE: PETITION FOR ZONING VARIANCE NW/S Sherwood Avenue, 350' SW of the c/l of Ivanhoe Road (Lots 356 and 357 Sherwood Avenue) 3rd Election District - 2nd Councilmanic District

Donald Gorman, et ux - Petitioners Case No. 90-153-A

Dear Mr. & Mrs. Gorman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

A M Notano, y ANN M. NASTAROWICZ Deputy Zoning Commissioner

for Baltimore County

cc: People's Counsel

File

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the properly identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition fur Zoning Variance
Case number: 90-153-A
NW/S of Sherwood, 305' SV
of of Ivershoe Road
Lota 355, 356 Sherwoo
Road
3rd Election District
2nd Councilmanic
Petitioner(s):
Donald Gorman, et ux
Hearing Date: Monday,
Nov. 6, 1989 at 9:30 a.m.

Verlance: to permit a 27 foot rea, yard setback in lieu of the minimum 30 feet. In the event that this Petition is

and received in this office by the date of the hearing set above of presented at the hearing.

Dennis F. Rasmussen
County Executive

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) 1. Garage outside setback due to limited space for development. 2. Garages in this neighborhood are typically outside of setback. Placing within setback would locate garage in an area different from the remainder of neighborhood. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser: Donald GORMAN (Type or Print Name) Monald Mornia Signature Signature Renee GORMAN (Type or Print Name) Kessel. Monnan Attorney for Petitioner: 4100 Colonial Road (301) 486-8811 Baltimore, Maryland 21208 City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted Jay 1. Brown, AIA LEVIN/BROWN & ASSOCIATES, INC./Marilyn Gould City and State Name 17 Warren Road, Suite 7-B Baltimore, Maryland 21208 (301) 486-9006 Attorney's Telephone No.: _____ 19.52, that the subject matter of this petition be advertised, as of _______, 19___/, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

PETITION FOR ZONING VARIANCE

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

To permit a 27 ft rear yard setback in lieu-of-----

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

the minimum 30 ft.

Variance from Section ____1802_3_8_

ZONING DESCRIPTION

Beginning on the north side of Sherwood Road 50 feet wide, at a distance of 305 feet west of the centerline of Ivanhoe Place. Being Lots 355 and 356, in the Subdivision of Ralston Annex. Book #1, Part 2-276, Tax Map-78, 3rd Election District.

Zoning Commissioner	g System	Number O	Election Dis
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CERTIFICATE OF PUBLICATION TOWSON, MD., Oct 5 . 1989 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on 0ct 5, 1989. THE JEFFERSONIAN.

PO 17232 neg 1134228 ca 90-153-A price \$ 39.40

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zoning Commissioner

DATE ___!0 16 89

Mr. & Mrs. Donald Gorman 4100 Colonial Road Baltimore, Maryland 21208 Petition for Zoning Variance

MAP NW7-F

DATE 3 18-7/

CASE NUMBER: 90-153-A NU/S of Sherwood, 305' SW c/1 of Ivanhoe Ru Lots 355, 356 Sherwood Road 3rd Election District - 2nd Councilmanic Petitioner(s): Donald Gorman, et ux HEARING: MONDAY, NOVEMBER 6, 1989 at 9:30 a.m.

Dear Mr. & Mrs. Gorman:

Please be advised that \$ 89.60 is due for advertising and posting of the above captioned property. IHIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S)

11/03/89

Baltimore County Zoning Commisione County Office Building 111 West Chesapeake Ave Towson, Maryland 21204

M9000033

90-153

080 - POSTING SIGNS / ADVERTISING 1 X

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

September 21, 1989

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 N. Chesapeake Avenue in Towson, Maryland as follows: follows

Petition for Zoning Variance

CASE NUMBER: 90-15"-"

NW/S of Sherwood. 305' SW c/l of Ivanhoe Road

Lots 355. 356 % arwood Road

3rd Election District - 2nd Councilmenic

Petitioner(s): Donald Gorman. et ux

HEARING: MONDAY. NOVEMBER 6. 1989 at 9:30 m.m.

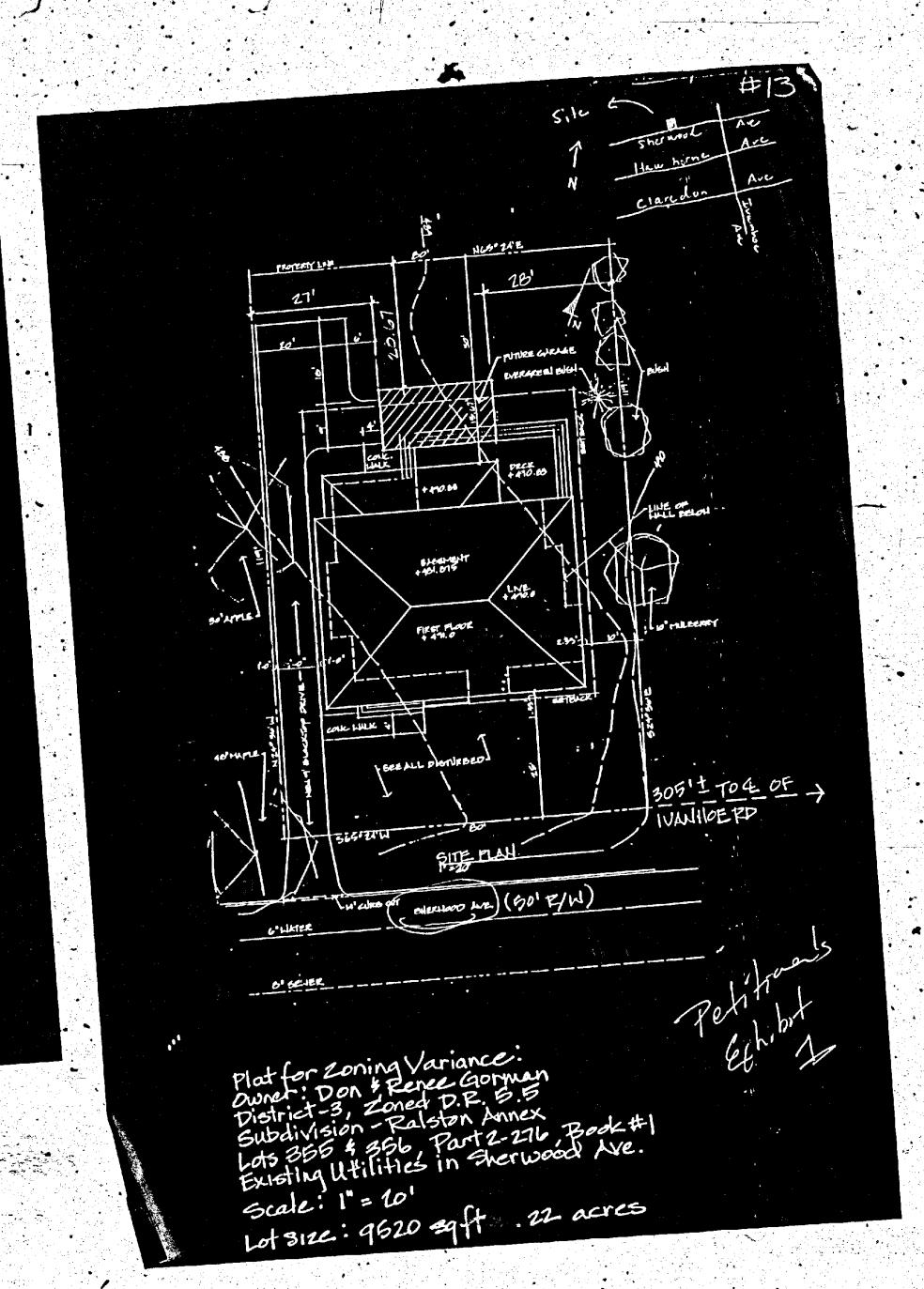
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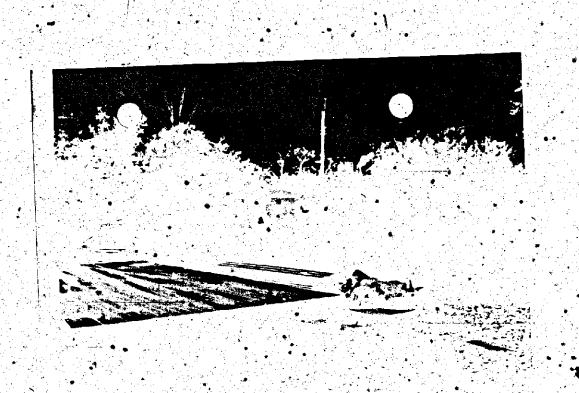
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuence of said permit during this period for good cause shown. Such request must be in writing and received in thus office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Donald Gorman, et us

IF PHASE II OF THE SNOW
EMERGENCY PLAN IS IN EFFECT
IN BALTIMORE COUNTY BY
BIJO 8.W. ON THE ABOVE
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BALTI MORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLOG. 111 W. Chesapeake Ave. Towson, Meryland 21204

Aurrau of Engineering Department of Traffic Engineering State Roads Commission

Bureau of Fire Prevention Health Department Project Planning **Euilding Department** Board of Education Euning Administration

Industrial Development

Mr. & Mrs. Donald Gorman

RE: Item No. 13, Case No. 90-153-A Petitioner: Donald Gorman, et ux Petition for Zoning Variance

October 25, 1989

Dear Mr. & Mrs. Gorman:

4100 Colonial Road Baltimore, MD 21208

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with recard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

> Chairman Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Jay I. Brown Levin/Brown & Associates, Inc. 17 Warren Road, Suite 7-B Baltimore, ND 21208

Rollimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines



Your petition has been received and accepted for filing this

26th day of August, 1989.

J. Robert Springe ZONING COMMISSIONER

Received By:

Zoning Plans Advisory Committee

Petitioner: Donald Gorman, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO:

DATE: October 24, 1989

FROM:

Pat Keller, Deputy Director Office of Planning and Zoning

J. Robert Haines

Zoning Commissioner

SUBJECT:

Donald Gorman - Item 13 Zoning Petition No. 90-153

The Petitioner requests a Variance to permit a 27 ft. rear yard setback in lieu of the minimum 30 ft.

In reference to this request, Staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK:JL:ggl

Rec COT 27, 1989 Males copies (a)

OCT 2 7 1989

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

Mr. J. Rok at Haines

Towson, MD 21204

Zoning Commissioner County Office Building

ZONING OFFICE

July 31, 1989



Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, and 20.

Very truly yours,

Michael S. Flanigan

Traffic Engineer Associate II

Baltimore County Fire Department 800 York Road Towson, Maryland 21204-2586 (301) 887-4500

Paul H. Reincke Chief

JULY 24, 1989

J. Robert Haines Zoning Commissioner Office of Planning and Zonii. Baltimore County Office Builc, 77
Towson, MD 21204

RE: Property Owner:

DONALD GORMAN

NW/S OF SHERWOOD

Location: Item No.:

Zoning Agenda: JULY 25, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Fife Prevention Bureau

Planning Group
Special Inspection Division

JK/KEK